

REMARKS

Claims 27-36 and 45-50 are pending in the application and are directed to a method of preparing capsules from film forming polymers.

Rejection of Claims 27-36 and 45-50 Under 35 U.S.C. §112, First Paragraph

Claims 27-36 and 45-50 stand rejected under 35 U.S.C. §112, First Paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

The Examiner states on Page 3 of the Office Action,

The data at Table 2 appears to distinguish applicants' composition over the prior art; however, the specification does not disclose whether the preparation at Example 2 underwent the immersion step being claimed in claim 27. This step is critical because applicants suggest that it imparts unexpected results vis-à-vis the prior art in the form of faster disintegration or solubilization times for the envelope. Clarification is required.

However, Applicants respectfully submit that in view of the specification as a whole, and in view of the inferior results of the capsule obtained by the comparative method in Example 2, one of ordinary skill in the art would have understood that the method used to prepare the inventive capsules of Example 2 utilized the immersion step. That is, as recognized by the Examiner, the present specification teaches that an immersion step contributes to a faster disintegration or solubilization time, which the inventive capsules of Example 2 clearly demonstrate.

Nevertheless, Applicants have provided in the appendix of this response a Declaration Under 37 C.F.R. §1.132 that describes the process for Example 2 in detail. The declaration details each step of the process, and in particular, describes the immersion step. The Examiner's attention is respectfully directed to this declaration.

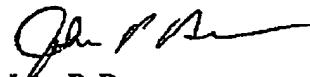
Therefore, Applicants respectfully submit that claims 27-36 and 45-50 do comply with the enablement requirement. Accordingly, Applicants respectfully request that the instant rejection under 35 U.S.C. §112, First Paragraph, be withdrawn.

CONCLUSION

The foregoing remarks and accompanying Declaration are believed to be fully responsive to the various rejections raised by the Examiner in the February 7, 2008 Office Action. Applicants believe that this application is in condition for allowance, and respectfully request passage of the application to issuance.

If the Examiner has any questions or comments such that a conversation would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,



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APPENDIX

The Appendix includes the following item:

-Declaration Under 37 C.F.R. §1.132